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No. 79-1420

In the Supreme Court of the United States

October Term, 1979

In re:

MULTI-PIECE RIM PRODUCTS LIABILITY LITIGATION

THE FIRESTONE TIRE & RUBBER COMPANY,
Petitioner,

vs.

JOHN C. RISJORD,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

SUPPLEMENTAL BRIEF OF RESPONDENT RISJORD

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There are several decisions of the Courts of Appeals since Respondent's brief was filed that should be called to the Court's attention.

Abraham Construction Corporation v. Armco Steel Corporation, mentioned on page 14 of Respondent's brief, was remanded by the Court, en Banc, to the panel, and the Order of the en Banc hearing was vacated. 625 F.2d 718 (5th Cir., Aug. 21, 1980). It is Respondent's understanding that the case has been disposed of by settlement.

Armstrong v. McAlpin referred to in Respondent's brief is reported at 625 F.2d 433 (2d Cir. 1980). The following are page references to Respondent's brief with

the corresponding citations of *Armstrong* from the published report.

Page 8, 625 F.2d at 438	Page 17, 625 F.2d at 438, 439
Page 12, 625 F.2d at 437	Page 20, 625 F.2d at 440, 441
Page 13, 625 F.2d at 438	Page 21, 625 F.2d at 437
Page 15, 625 F.2d at 438	Page 42, 625 F.2d at 437

P Stone, Inc. v. Koppers Corporation, et al., Docket No. 80-1111, 1980-81, CCH Trade Cases, ¶ 63,572, was decided by the Third Circuit October 7, 1980. Relying on *Cohen* and *Greene v. Singer Company*, 509 F.2d 750 (3d Cir. 1971), the Court held that on its facts the case was not appealable and that there was no actual or potential harm that could not be vindicated on appeal from a final judgment. The Court observed that the increasing frequency of motions to disqualify "* * * raises the possibility counsel are using them for purely strategic purposes * * *" (1980-81, CCH Trade Cases, 77-041).

Respectfully submitted,

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